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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,510	01/18/2001	Mooi Choo Chuah	54	6393

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LUCENT TECHNOLOGIES INC.
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HOLMDEL, NJ 07733

EXAMINER

NGUYEN, HANH N

ART UNIT	PAPER NUMBER
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2662

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DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/764,510

Applicant(s)

CHUAH, MOOI CHOO

Examiner

Hanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Application filed on 1/18/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4&5</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 6, 10, 13 and 14 are objected to because of the following informalities: The limitations of claims 6 and 10; claims 13 and 14 are duplicated respectively. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 5-11 are rejected under 35 USC 102(e) as being unpatentable over **Kannas et al.** (US pat. No. 6,683,853 B1).

In claims 1, 2, 3, 6, 7, 8, 10, **Kannas et al.** discloses, in Fig.1, a user equipment 10 (a mobile station) sending a request to a serving support node SGSN 20 (a second packet server) via a radio network controller RNC18 (a first packet server). The request, as described in Fig.2, is for assigning a desired QOS resource at step 52. If the requested QOS is not available, lower quality of service resource at step 56 is assigned if the user equipment 10 is willing to accept. When a higher quality of service at step 62 is available, the request for higher QOS is upgraded at step 68 if user equipment is willing to accept the offer (performing variable QOS negotiations

including downgradable QOS and upgradable QOS with the wireless data). See col.5, lines 40 to col.6, line 4.

In claims 5, 9 and 11, **Kannas et al.** discloses, in Fig.3, a user equipment 10 sends a packet data protocol (PDP) context activation request 80 requesting a first quality of service. Since the radio network 4 is congested, the user equipment 10 is assigned a second QOS (using an active PDP context procedure to support downgradable QOS requirement). When the first QOS is available, the user equipment 10 is assigned the first QOS (support upgradable QOS requirement) See col.6, lines 10-24.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 14 are rejected under 35 USC 103(a) as being unpatentable over **Kannas et al.** (US pat. No. 6,683,853 B1) in view of **Malmlof** (US pat. No. 6,594,241B1).

In claim 14, **Kannas et al.** discloses, in Fig.1, a user equipment 10 (a mobile station) sending a request to a serving support node SGSN 20 (a second packet server) via a radio network controller RNC18 (a first packet server). The request, as described in Fig.2, is for assigning a desired QOS resource at step 52. If the requested QOS is not available, lower quality of service resource at step 56 is assigned if the user equipment 10 is willing to accept. When a higher quality of service at step 62 is available, the request for higher QOS is upgraded at step 68

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if user equipment is willing to accept the offer (performing variable QOS negotiation including downgradable QOS and upgradable QOS with the wireless data). See col.5, lines 40 to col.6, line 4. **Kannas et al.** does not disclose a packet server comprising a transceiver for exchanging messages with a second packet server; a processor transmitting a message to the second packet server. **Malmlof** discloses, in Fig.5, a RNC 26 (a packet server) comprising a transceiver 56 (a transceiver) , a processing circuit 52 (a processor). The processor 52 performs radio and data processing operations required to conduct communication between the RNC 26 and core network 16. See col.7, lines 57 to col.8, lines 10. Therefore, it would have been obvious to one ordinary skill in the art to have a transceiver and a processor in the RNC 18 of the **Kannas et al.** for exchanging messages with the SGSN 20; and performing multiple QOS requests.

Claims 4, 12 and 15 are rejected under 35 USC 103(a) as being unpatentable over **Kannas et al.** (US pat. No. 6,683,853 B1) in view of **Galyas et al.** (US pat. No. 6,519,260 B1).

In claims 4, 12 and 15, **Kannas et al.** does not disclose at least one traffic class field for conveying requests for either a single traffic class or multiple traffic class in a priority order. **Galyas et al.** discloses transmission frames transmitted from mobile station into a wireless network comprising a priority information field (traffic class field). The priority information field comprises bit set to "1" to indicate a high priority and "0" to indicate a low priority (multiple traffic classes in a priority). See col.6, lines 15-60. Therefore, it would have been obvious to one ordinary skill in the art to apply the priority field into the **Kannas et al.** to indicate a request as a high priority or low priority for reserving QOS.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rappaport et al. (US pat. No. 6,477,373 B1) discloses Method and Apparatus to Maintain Connectivity for Mobile terminals in Wireless and Cellular Communications Systems.

Khan et al. (US Pat. No. 6,400,954 B1) discloses Method and System for Mode Selection based on Access Network Capacity.

Sen et al. (US pat. No. 6,701,149 B1) discloses Haandoff framework to Support Real-Time Delay-Critical Services in a Next Generation Network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 703 306-5445. The examiner can normally be reached on Monday-Friday from 8AM to 5PM. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on 7032 305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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April 12, 2004 